

## **REMARKS**

Claims 1-36 are presented herein. Claims 1, 7, 18, and 21 have been amended. No claims have been added or cancelled.

Support for the amendment of claim 1 is found, at least, in the paragraph beginning at the bottom of page 9 of the present patent application. Support for the amendment of claim 18 is found, at least, in the paragraph at the top of page 76 of the present patent application and in the paragraph at the middle of page 82 of the present patent application. Support for the amendment of claims 7 and 21 is found, at least, at the top of page 73 of the present patent application.

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### **Claim Rejections - 35 U.S.C. §112, Second Paragraph**

Claims 7 and 21 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

Applicants respectfully submit that claims 7 and 21 have been amended to overcome the rejection. Applicants respectfully request that the Examiner withdraw the rejection of claims 7 and 21.

### **Claim Rejections - 35 U.S.C. §102 – Omatsu**

Claims 1-3, 5, 13 and 14 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by JP 2001343380 to Omatsu (hereinafter “Omatsu”).

Claim 1 recites:

*“An ozone gas sensing element characterized by comprising:*

*a porous material and a sensing agent formed in pores of said porous material; and  
a light-transmitting gas selective permeable film which covers a surface of said porous material,  
wherein said sensing agent contains a dye which changes absorption in a visible region by reacting with ozone,  
said gas selective permeable film comprises an organic polymer which uses, as a monomer, a compound made of a chainlike molecule containing a vinyl group, and  
said gas selective permeable film has a selective permeability that allows permeation of ozone gas while suppressing penetration of nitrogen dioxide gas”.*

As understood by Applicants, Omatsu does not disclose these limitations. In particular, as understood by Applicants, Omatsu does not disclose that the “*gas selective permeable film has a selective permeability that allows permeation of ozone gas while suppressing penetration of nitrogen dioxide gas*”.

Omatsu discusses an ozone indicator and ozone concentration measuring method. See e.g., the Title. As discussed in the Abstract of Omatsu, a problem to be solved is to provide an ozone indicator capable of measuring the ozone concentration or the like even in an especially high-concentration ozone atmosphere. The solution discussed in the Abstract of Omatsu is that the ozone indicator is characterized by having at least (1) discoloring layer comprising an ozone detection ink and (2) an overcoat layer formed on a part or the whole of the discoloring layer.

The Examiner apparently relies upon the overcoat layer to reject the claimed gas selective permeable film. See e.g., the top of page 3 of the present Office Action.

However, as understood by Applicants, Omatsu does not disclose that the overcoat layer has “*a selective permeability that allows permeation of ozone gas while suppressing penetration of nitrogen dioxide gas*”.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference.

For at least one or more of these reasons, claim 1 and its dependent claims are believed to be allowable over Omatsu.

### **Claim Rejections - 35 U.S.C. §103 – Omatsu and Maruo**

Claims 4, 6-12 and 15-36 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Omatsu in view of U.S. Publication No. 2004/0131501 to Maruo (hereinafter “Maruo”). Without admitting that these references may be combined, the Applicants respectfully submit that the present claims are allowable over Omatsu and Maruo.

Claim 18 recites:

*“An ozone gas sensing element characterized by comprising an ozone sensing sheet formed by carrying a dye containing an indigo ring and a humectant by a sheet-like carrier made of fibers, wherein said humectant is operable to accelerate a reaction between the dye and ozone”.*

As understood by Applicants, Omatsu and Maruo do not disclose these limitations or render them obvious. In particular, as understood by Applicants, Omatsu and Maruo do not disclose or render obvious that the “*humectant is operable to accelerate a reaction between the dye and ozone*”, in combination with the other claim limitations.

The Examiner has acknowledged that Omatsu is silent about the humectant. See e.g., the bottom of page 4 of the present Office Action.

The Examiner appears to have relied upon Maruo to reject the claimed humectant. See e.g., the bottom of page 4 and page 5 of the present Office Action.

Maruo discusses in part an ozone gas sensing element, detection apparatus, and measurement method. See e.g., the Title. Maruo discusses in paragraph [0158] preparing a dye solution including a hygroscopic compound.

However, as understood by Applicants, Maruo does not teach or suggest that a *“humectant is operable to accelerate a reaction between the dye and ozone”*.

For at least one or more of these reasons, claim 18 and its dependent claims are believed to be allowable over Omatsu and Maruo.

### Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### Request For An Extension Of Time

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date:

3/12/09

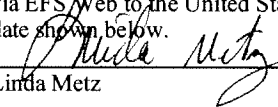
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3/12/09